

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

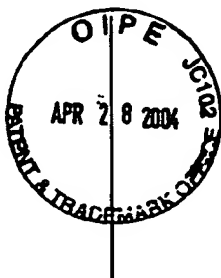
IN RE APPLICATION

OF: VON DEYN ET AL.

SERIAL NO. 09/748,006

FILED: DECEMBER 27, 2000

FOR: 3-HETEROCYCLYL-SUBSTITUTED BENZOYL DERIVATIVES



Box:

AF

CONFIRMATION NO.: 4682

GROUP ART UNIT: 1626

EXAMINER: ROBERT GERSTL

for fee only

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner of Patents and Trademarks, Alexandria, Va 22313-1450, on:

April 27, 2004

Date of Deposit Mary Chadwick

Person Making Deposit

Signature

April 27, 2004

Date of Signature

Honorable Commissioner
for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY UNDER 37 C.F.R. §1.113(c) AND §1.116

Sir:

In reply to the Office action of October 27, 2003, it is respectfully requested that the following amendment and remarks be entered and considered in the above-identified application:

AMENDMENT

IN THE CLAIMS:

Cancel Claims 5, 6 and 15, amend Claims 1 and 2, and enter new Claims 24 to 34 as indicated in the Listing of Claims set forth in Appendix I attached to this paper.

04/29/2004 WASFAW1 00000043 09748006

02 FC:1253 950.00 OP

Paper No. 11

- 1 -

07/28/2004 FPATTERS 00000001 110345 09748006
01 FC:1202 252.00 DA

REMARKS

It is respectfully requested that the Examiner consider Claims 1 to 4, 8 to 11, 14, 16 and 21 to 34 as set forth in the Listing of Claims attached to this paper as Appendix I.

In light of the Examiner's allowance of Claims 5, 8, 9, 11 and 16, applicants have amended Claims 1 and 2 to include the limitations of allowed Claim 5. Claims 3, 4, 8 to 11, 14, 16 and 21 to 23 incorporate the respective requirements by reference to Claims 1 and 2. The respective changes do not introduce new matter within the meaning of Sections 112 and 132, and Claims 1 to 4, 8 to 11, 14, 16 and 21 to 23 should, therefore be in condition for allowance¹⁾. New Claims 24 and 25 correspond to Claims 1 and 2 as previously presented with the difference that applicants have introduced the limitations of allowed Claim 8. New Claims 26 to 34 depend, either directly or indirectly, upon Claim 24 and otherwise correspond to Claims 3, 4, 9, 11, 14, 16 and 21 to 23, respectively. The newly added claims do not introduce new matter within the meaning of Sections 112 and 132, and those claims should, therefore also be in condition for allowance.

In light of the foregoing and the attached, the application should now be in condition for allowance. Favorable action is solicited.

REQUEST FOR EXTENSION OF TIME:

It is respectfully requested that a *three* month extension of time be granted in this case. A check for the \$950.00 fee is attached.

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees, to Deposit Account No. 11.0345. Please credit any excess fees to such deposit account.

Respectfully submitted,

KEIL & WEINKAUF



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Encl.: THE LISTING OF CLAIMS (Appendix I)

HBK/BAS

1) If an independent claim is non-obvious under 35 U.S.C. §103, then any claim depending therefrom is non-obvious (In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (CAFC 1988)).